



PLANNING DIRECTOR'S HEARING AGENDA

WEDNESDAY, May 17, 2006

9:00 a.m.
City Council Chambers
City Hall

200 East Santa Clara Street
San Jose, California 95113-1905

Hearing Officers

Jean Hamilton, AICP, Acting Deputy Director

Susan Walton, Principal Planner

**Joseph Horwedel, Acting Director
Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **May 17, 2006**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Gina Robles (gina.robles@sanjoseca.gov).

AGENDA

ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

PD05-066. Planned Development Permit to construct 239 multifamily attached residential units at Santana Row on a 4.095 gross acre site in the A(PD) Planned Development Zoning District, located on the southwest corner of Olin Avenue and Hatton Street (388 SANTANA ROW) (Frit San Jose Town & Country Village LLC, Owner/Developer). Council District 6. SNI: None. CEQA: Final Town and Country Village EIR, EIR Resolution No. 68210. **DROPPED.**

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. The projects being considered are located on the south side of Moorpark Avenue approximately 100 feet east of Clover Avenue (2830 Moorpark Avenue) in the A(PD) Planned Development Zoning District (MASON STEPHEN D AND MAUDE M TRUSTEE, Owner/Developer). Council District 6. SNI: None. CEQA: Exempt. **Deferred from 5/3/06.**
 1. **PD06-010. Planned Development Permit** to retain one existing and construct two new single-family detached residences on a 0.65 gross acre site
 2. **PT06-023. Planned Development Tentative Map Permit** to subdivide one parcel into three lots for single-family detached residential uses on a 0.65 gross acre site.
- b. **HP06-002. Historic Preservation Permit** to allow the construction of a permanent food kiosk to be located within the exterior courtyard for California Historic Landmark #868 (Winchester Mystery House) on a 4.48 gross acres site located on the southwest corner of south Winchester Boulevard and Olsen Drive (525 South Winchester Boulevard) (Winchester Investments Llc). Council District 1. SNI: None. CEQA: Exempt.
- c. The projects being considered are located on southeast corner of Hostetter Road and Sierra Creek Way (1495 STONE CREEK DR), in the R-1-8 Single-Family Residence Zoning District (MATTOS JOHN R II TRUSTEE, INEZ MATTOS, STEPHANIE J MATTOS, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration adopted on March 7, 2006.

1. **PD05-069. Planned Development Permit** to construct six single-family detached residences on a 0.833 gross acre site.
 2. **PT05-089. Planned Tentative Map Permit** to subdivide one parcel into six lots for single-family detached residences on a 0.833 gross acre site.
- d. **SP05-065. Special Use Permit** to construct retaining walls in the rear yard of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District, located on the west side of Glen Eyrie Avenue, approximately 830 feet north of Willow Street (1321 Glen Eyrie Avenue) (Pickett Christopher M And Gerald Rebecca A, Owner). Council District 6. SNI: None. CEQA: Pending.
- e. **TR06-036. Tree Removal Permit** to allow removal of one Avocado tree, 79 inches in circumference on a 0.11 gross acre site in the R-1-8 Single Family Residence Zoning District, located at 802 Plaza Drive (Michael Borbely, Owner) Council District 6. CEQA: Exempt.
- f. **SF06-013. Single Family House Permit** to allow a 350 square foot addition to the first floor and 980 square foot new second story, demolition of the existing detached garage, and construction of a new two-car detached garage for an Identified Structure in an Historic Conservation Area in the R-1-8 Single-Family Residence Zoning District, located on the south side of Magnolia Avenue, approximately 500 feet easterly of Park Avenue (1310 MAGNOLIA AV) (McMahon Michael M & Davidson-McMahon Rosa, Owner). Council District 6. SNI: None. CEQA: Exempt.
- g. **PDA04-001-01. Planned Development Permit Amendment** to extend the construction hours of a previously approved Planned Development Permit file no. PD04-001 to include Saturday and Sunday from 8:00 a.m. to 4:00 p.m. in the A(PD) Planned Development Zoning District, located at the northeast corner of South 5th and Keyes Streets (1058 S. 5th Street) (San Jose Artist Housing, L.P./David E. Neale, Owner; Core Development, Inc./Martha Putnam, Developer). Council District 3. SNI: Spartan/Keyes. CEQA: Use of Mitigated Negative Declaration.
- h. **WBC03-001. Williamson Act Cancellation Permit** to allow partial cancellation for portion affected by Planned Development Permit (PD03-009) which allows the development of six (6) single-family detached units on a 6.89 gross acre site in the A(PD) Planned Development Zoning District, located on the northerly of the intersection of Springbrook Avenue and Canyon Ridge Drive (3698 Norwood Avenue) (Angie Ceraolo, Owner). Council District 8. SNI: None. CEQA: Addendum to a Mitigated Negative Declaration.
- i. **TR06-019. Tree Removal Permit** request to remove two (2) Pine trees located on a strip of land that lies between a single family house and the common area of a multi-family complex in the R-1-8(PD) Planned Development Zoning District, located on the west side of Old Piedmont Road, north side of Charing Cross Lane (Valley Title Company, Owner). Council District 4. CEQA: Exempt.
- j. **SP06-026. Special Use Permit** to allow a one-car carport accessory structure for an existing single-family detached residence on a 0.21 gross acre site in the R-1-5 Single-Family Residence Zoning District, located at 12747 Camrose Avenue (Pete F Falco Jr, Owner). Council District 1. SNI: None. CEQA: Exempt.
- k. **PD06-012. Planned Development Permit Amendment** to construct a 6,327 square-foot public eating establishment on a 0.64 gross acre site in the A(PD) Planned Development Zoning District, located at the south side of Coleman Street approximately

500 feet west of Autumn Street (9681 TRACT) (Cousins San Jose MarketCenter LLC, Owner/Developer). Council District 3. SNI: None. CEQA: San Jose MarketCenter Final EIR.

The consent calendar is now closed.

3. PUBLIC HEARING

- a. **SP06-024. Special Use Permit** to allow the expansion of operations at an existing Recyclables Processing Facility (GreenWaste Recovery Facility) consisting of an increase in the amount of allowable materials to be processed from 935 tons per day to 1400 tons per day on a 6.05 gross acre site in the HI Heavy Industrial Zoning District, located on the north side of Charles Street approximately 750 feet westerly of Oakland Road (625 CHARLES ST)(Green Waste Recovery Inc, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. **Deferred from 5/3/06.**
- b. **SP06-017. Special Use Permit** to allow removal of existing, unpermitted retaining walls and replacement with new retaining walls on a 0.16-acre single family lot in the R-2 Two-Family Residence Zoning District, located at/on the east side of Fall Avenue approximately 100 feet south of Clayton Road (1514 FALL AV) (Schmitt Charles E Jr And Joanna B, Owner). Council District 5. SNI: None. CEQA: Exempt. **Deferred from 5/3/06.**
- c. **PDA92-035-01. Planned Development Permit Amendment** for tree removal including after-the-fact approval for removal of three ordinance-size trees, proposed removal of five ordinance-size trees including one American Elm - 119 inches in circumference, one Monterey Pine tree - 97 inches in circumference, two Red Ironbark Eucalyptus - 78 and 97 inches in circumference, and one Almond tree - 112 inches in circumference, removal of four non-ordinance size trees and one dead tree, and determination of tree replacement requirements at the Garden Alameda office complex in the A(PD) Planned Development Zoning District, located on the southeast corner of State Route 82 and Schiele Street (1550 THE ALAMEDA) (Cirrus Investments LP, Owner). Council District 6. CEQA: Exempt. **Deferred from 5/3/06.**
- d. **PDA94-023-03. Planned Development Permit Amendment** to allow a detached patio in the rear yard of a single-family residence parcel on a 0.84 gross acre site in the A(PD) Planned Development Zoning District at 2181 Wynfair Ridge Way (Margaret Kirkland and David Parsons, Owners). Council District 8. SNI: None. CEQA: Exempt.
- e. **TR06-041. Tree Removal Permit** to allow removal of one camphor tree, 125 inches in circumference, on a 1.33 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1383 Curtiss Avenue (Church Of God Of San Jose, Owner). Council District 6. CEQA: Exempt.
- f. **TR06-040. Tree Removal Permit** to legalize the previous removal of one Walnut tree, 56 inches in circumference and to allow the removal of one tree of unknown species, approximately 63 inches in circumference, on a 0.12 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 434 Coe Avenue (Stolar Walter J And Nina, Owner). Council District 6. CEQA: Exempt.
- g. The projects being considered are located on the easterly side of Cottle Road, northerly of State Route 85 and westerly of Monterey Highway, in the A (PD) Planned Development Zoning District (HITACHI GLOBAL STORAGE TECH INC, Owner/ Developer). Council District 2. SNI: None. CEQA: Addendum to EIR.

1. **PD05-087. Master Planned Development Permit** to allow the demolition of existing buildings and the construction of a new public street network to allow the future construction of a residential, commercial, and industrial project on a 332 gross acre site.
 2. **PT05-108. Planned Development Tentative Map** to reconfigure 14 parcels into 14 lots for future residential, commercial, and industrial park uses on a 332 gross acre site.
- h.** The projects being considered are located on the east side of Almaden Road across from the intersection with Malone Road (1992 ALMADEN RD) (Olson 737 - San Jose 1, Llc, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration:
1. **PD05-094. Planned Development Permit** to construct 56 single-family attached residences on a 2.33 gross acre site in the A(PD) Planned Development Zoning District, and
 2. **PT05-119. Planned Development Tentative Condominium Map Permit** to subdivide 5 parcels into 12 lots for 56 condominium units.
- i.** **SP06-007. Special Use Permit** to allow a 345 square-foot detached accessory structure, in excess of the 200 square feet allowed by right, and to remove one diseased Coast Redwood tree 58 inches in circumference at a single-family detached residence on a 0.23 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the southwest side of S. 16th Street approximately 850 feet southeast of E. William Street (645 South 16th Street) (Georgie Huff and John Norberg Trustee, Owner). Council District 3. SNI: University. CEQA: Exempt.
- j.** **TR06-044. Tree Removal Permit** to allow removal of one Redwood tree 78 inches in circumference in the R-1-8 Single-Family Residence Zoning District, located at 801 Clintonia Avenue (Strena Rita, Owner). Council District 6. CEQA: Exempt.
- k.** The projects being considered are located on the south side of Pierce Avenue approximately 210 feet east of Almaden Avenue (156 Pierce Avenue) in the R-1-8 Residential Zoning District (Anthony Intil, Owner/Developer). Council District 3. SNI: Market/Almaden. CEQA: Exempt.
1. **SF06-007. Single-Family House Permit** for reconstruction of a single-family residence in a Historic Conservation Area (Market/Almaden) that involves demolition of greater than 50 percent of exterior walls on a 0.08 gross acre site.
 2. **V06-003. Development Variance** to reduce the R-1-8 Residential Zoning District setback and parking requirements as follows: (1) reduce the front setback from 25 feet to 10 feet; (2) reduce the rear, interior setback from 20 feet to 10 feet 4 inches, and (3) to replace the requirement for 2-covered parking spaces with 2-noncovered spaces constructed in a tandem orientation for a single-family house on a substandard 0.08 gross acre site.
- l.** The projects being considered are located on the west side of Curtiss Avenue, approximately 360 feet southwest of Willow Street (1163 Curtiss Avenue) in the A(PD) Planned Development Zoning District, (Willowshire LLC, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.
1. **PD05-090. Planned Development Permit** to construct 3 new single-family detached residences and retain and rehabilitate an existing single-family detached home on a 0.39 gross acre site in the A(PD) Planned Development Zoning District, and
 2. **PT05-111. Tentative Map application** to subdivide one parcel into five lots for single-family detached residential uses.

This concludes the Planning Director's Hearing for May 17, 2006. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/default.asp>

PUBLIC INFORMATION COUNTER

(408) 535-7800 CITY OF SAN JOSE